

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

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DEC 29 2014  
U.S. DISTRICT COURT  
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

*Plaintiff*

v.

Ushop marketing Group LLC, Marketing Solutions

*Defendants.*

CIVIL ACTION NO.:

**Plaintiff's Original complaint**

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Ushop Marketing Group, LLC is a Maine Corporation and can be served via registered agent: United States Corporation Agents, Inc. 315 Hatchet Mountain Road Hope, ME 04847.
3. Marketing Solutions is the entity that placed the calls on behalf of Ushop Marketing Group LLC and can be served at PO Box 324 Tampa, FL 34691.

**Jurisdiction**

4. Jurisdiction of this court arises as the acts happened in this county.
5. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

**FACTUAL ALLEGATIONS**

6. In 2014, the Plaintiff received an automated phone call with a pre-recorded message to the Plaintiff's cell phone pitching a free gift card if the Plaintiff signed up for a savings club. The agent said they worked for Marketing Solutions and was placing the call on behalf of Ushopsavingsclub.com, which is owned by Ushop Marketing Group, LLC.
7. The Plaintiff has not given anyone authorization to be called with a pre-recorded message or automated calls to his cell phone.
8. The call was not related to any emergency purpose.
9. The Plaintiff has seen similar scams and shady operations which seek to offer products of little value and recurring billing which frequently slips past most unwitting consumers.
10. The recorded message didn't state the calling party's name, address, or phone number.

### **CAUSES OF ACTION:**

#### **COUNT I**

##### **Violations of the Telephone Consumer Protection Act (TCPA)**

11. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
12. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell

phone. These phone calls also violated the TCPA by having an pre-recorded message that failed to contain the name, address, and phone number for the entity for which the calls are being place as required under the TCPA. Additionally, these calls violated the Plaintiff's request for no further calls.

## **COUNT II**

### **Violations of the Telephone Consumer Protection Act (TCPA)**

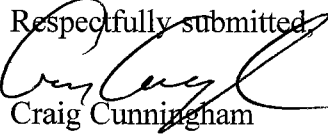
13. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
14. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

## **PRAYER FOR DAMAGES AND RELIEFS**

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$30,00
- E. Attorney's fees for bringing this action as incurred; and
- F. Costs of bringing this action; and

G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,  
  
Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

~~828-291-7465~~ ~~800~~ 615-348-1977  
December 19<sup>th</sup>, 2014